

REMARKS

The applicant notes with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicant acknowledges and appreciates receiving an initialed copy of the form PTO-1449 that was filed on March 30, 2004. However, it appears that the examiner inadvertently neglected to initial any reference in the form PTO-1449. Accordingly, filed herewith is a Request for Return of Initial Form PTO-1449.

In addition, submitted herewith is a Supplemental Information Disclosure Statement making of record the references cited in paragraph 5 of the office action but omitted from the Notice of References Cited attached thereto.

Claims 1 – 19 are pending. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 2 and 5 were indicated in the office action as allowable if re-written in independent format. Accordingly, claim 2 has been rewritten in independent form, to incorporate claim 1. Claim 5 depends from claim 2. Therefore, it is respectfully submitted that claims 2 and 5 are allowable.

Claim 1 was rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,518,877, Starkey et al. (“Starkey”) in view of U.S. Patent No. 5,880,363, Meyer et al. (“Meyer”). Claims 3 and 4 were rejected under 35 USC 103(a) as being unpatentable over Starkey and Meyer, further in view of U.S. Patent No. 5,559,484, Nowicki et al. (“Nowicki”). The applicant respectfully requests that the rejections be withdrawn for reasons including the following, which are provided by way of example.

Independent claim 1 recites, in combination, for example, “a plurality of detector means incorporated in a plurality of tires of a vehicle to detect pneumatic pressures in the tires and to transmit tire data including tire identification data identifying a particular tire and detected pressure corresponding to the particular tire;” “a plurality of receiver means for receiving signals transmitted from the detector means to obtain the tire data from the tires;” “monitoring means for monitoring the pneumatic pressures in the tires based on the tire data obtained by the receiver means;” “a single communication line connecting the plurality of receiver means and the monitoring means so that the monitoring means obtains the tire data of the tires by executing communication with the receiver means through the single communication line;” and “an identification data imparting means provided at places where the receiver means are installed on the vehicle so that a particular receiver means is associated, from a vehicle-side, with a receiver identification data identifying the particular receiver means for the communication with the monitoring means.” Accordingly, each receiver can be assigned a receiver identification data on the vehicle side, so that the plurality of receiver means connected to the monitoring means through a single line can be readily distinguished.

On the other hand, without conceding that Starkey discloses any feature of the present invention, Starkey is directed to a pneumatic tire monitor. According to Starkey, FIG. 1A, a plurality of receivers (1601-d, 161a-d) are connected to a monitor (166, 162) through a plurality of wires (163a-d).

Meyer is directed to a process for checking air pressure in vehicle wheel tires. According to Meyer, FIG. 2, a plurality of receivers (4) are connected to a control unit (21) through a plurality of wires (41 – 44).

To properly reject a claimed invention, the examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness with respect to a claimed invention, all the claim limitations must be taught or suggested by the prior art reference (or references when combined). *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Moreover, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Furthermore, the teaching or suggestion to make the claimed combination and a reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

The examiner bears the burden of establishing this *prima facie* case. *In re Deuel*, 34 U.S.P.Q.2d 1210, 1214 (Fed. Cir. 1995). The applicant for patent may then attack the *prima facie* case as improperly made out, or present objective evidence tending to support a conclusion of nonobviousness. *In re Fritch*, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992).

Where, as here, the examiner fails to establish a *prima facie* case of obviousness, the applicant has no burden to rebut the rejection of obviousness with evidence. *In re Rijckaert*, 28 U.S.P.Q.2d 1955, 1957 (Fed. Cir. 1993). If the examination at the initial stage does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of patent. *In re Oetiker*, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992).

The applicant provides herein a selection of some examples of limitations in the claims which are neither taught nor suggested by Starkey.

For example, Meyer and/or Nowicki's connection of plural receivers to the control unit through plural control lines does not teach or suggest "a single communication line connecting the plurality of receiver means and the monitoring means."

Meyer and/or Nowicki also fail to teach or suggest imparting receiver identification data from a vehicle side. Specifically, Starkey teaches that the monitors 157 (see FIG. 1A) insert the tire data. (Col. 12, lines 23 – 27.) Starkey fails to teach or suggest both tire identification data and receiver identification data. Therefore, even if Meyer (or Nowicki) and Starkey are combined, the result will simply be imparting tire data.

Hence, Starkey and Meyer and/or Nowicki, alone or in combination, fail to teach or suggest the combination of features recited in independent claim 1, when considered as a whole.

Furthermore, Starkey and/or Meyer and/or Nowicki operate in a fundamentally different way than the claimed invention. Specifically, neither Starkey nor Meyer and/or Nowicki teach or even suggest, let alone disclose, anything concerning both tire identification data and receiver identification data. The Office Action cites the Meyer as disclosing tire identification data, however, Starkey is clearly deficient considering the invention as claimed as a whole. Consequently, the proposed combination fails to teach or suggest the claimed invention.

With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claims 1, but also because of additional features they recite in combination.

New claims 6 – 19 have been added to further define the invention, and are believed to be patentable for reasons including these set out above. New claims 6 – 11 depend from claim 1; support for these new claims is located in the specification as filed, for example page 8, lines 17 – 25; FIG. 1; page 8, line 17 – page 9, line 7; page 10, lines 1 – 11; page 18, lines 6 – 13; and page 9, lines 8 – 27. New claims 12 – 19 are supported by original claims 1 – 5, and also find support in the foregoing exemplary sections of the specification as filed.

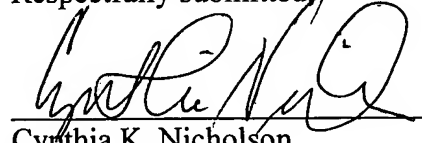
Applicant respectfully submits that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicant does not concede that the cited prior art shown any of the elements recited in the claims. However, applicant has provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicant has provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicant respectfully submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



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